



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

VIA CERTIFIED MAIL

April 11, 2018

Barbara Brockington, CEO/Director
New Horizon Group Home, LLC.
P O Box 2452
Lumberton, NC 28359

RE: **Summary Suspension of License to Operate**
New Horizon Group Home, LLC. [REDACTED] **Lumber Bridge, NC 28357**
MHL #078-318
E-mail Address: bbrock2452@yahoo.com

Dear Ms. Brockington:

AGENCY DECISION

Pursuant to North Carolina General Statutes (N.C.G.S.) § 122C and 150B-3 (c), the Division of Health Service Regulation (DHSR), North Carolina Department of Health and Human Services (DHHS), hereby **summarily suspends your license to operate** New Horizon Group Home, LLC. You are hereby directed to close New Horizon Group Home, LLC. by no later than 5:00 (Five O'clock) PM on April 11, 2018 or when the last client placement has been arranged. The North Carolina Division of Mental Health, Developmental Disabilities, Substance Abuse Services, Eastpointe LME/MCO and Robeson County Department of Social Services have been notified.

AGENCY FINDINGS

The Summary Suspension is based on this agency's findings that conditions at New Horizon Group Home, LLC. present an imminent danger to the health, safety and welfare of the clients and that emergency action is required to protect the clients. This agency has identified the facility failed to be in substantial compliance with Rules for which they are licensed. The Rule citations include:

- 10A NCAC 27E .0101 Least Restrictive Alternative (V513)
- 10A NCAC 27G .1801 Scope (V301)
- 10A NCAC 27G .1802 Requirements of Licensed Professionals (V302)
- 10A NCAC 27G .1803 Requirements of Qualified Professionals (V303)
- 10A NCAC 27G .1804 Minimum Staffing Requirements (V304)
- 10A NCAC 27G .1805 Operations (V305)

MENTAL HEALTH LICENSURE & CERTIFICATION SECTION

WWW.NCDHHS.GOV

TEL 919-855-3795 • FAX 919-715-8078

LOCATION: 1800 UMSTEAD DRIVE • WILLIAMS BUILDING • RALEIGH, NC 27603

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- 10A NCAC 27G .0202 Personnel Requirements (V108)
- 10A NCAC 27G .0205 Assessment and Treatment/Habilitation or Service Plan (V112)
- 10A NCAC 27G .0209 Medication Requirements (V118)
- 10A NCAC 27D .0304 Protection from Harm, Abuse, Neglect or Exploitation (V512)
- 10A NCAC 27E .0104 Seclusion, Physical Restraint and Isolation Time-Out and Protective Devices used for Behavioral Control (V520, V521, V522, V523)

This agency completed a complaint and annual survey on April 10, 2018 at which time deficiencies including administrative penalties were identified and the facility was verbally notified.

The facility currently serves clients ages 9 to 16. The facility currently has no professional staff, Licensed Professional (LP) or Qualified Professional (QP) to provide supervision or coordinate other services for the clients. The direct care staff have not been trained as required in rule in the following: alternatives to restrictive interventions, physical restraint and isolation time-out, medication administration, incident reporting, treatment plans, diagnoses of consumers, and how to implement strategies to meet the needs of clients. Clients have diagnoses including Impulse Control Disorder, Bipolar disorder, PTSD, ADHD, Oppositional Defiant Disorder, Encopresis, Intermittent Explosive D/O, Autism, IDD Moderate, Anxiety Anger Issues, Cannabis Use, and history of substance use. The clients' treatment plans have no strategies to address any of these diagnoses or corresponding aggressive behaviors, property damage and smearing of feces. The facility consistently fails to meet minimum staffing having only 2 staff present to attend up to 7 clients per shift. Staff reported the use of an unapproved Time-Out room for seclusion as punishment. Clients are placed in the Time-Out room with the door locked while staff leave them unattended for varying reported times of up to 15 minutes or longer. Clients are receiving no educational services as required and are inside the facility watching TV in a common area the majority of the day. The licensee reports she was unaware that she was required to coordinate with the Local Education Agency in order to meet the educational needs of the clients. Staff reported having grabbed a client by the shirt and pushed him into the wall (date undetermined) and on another occasion placed a child in a hold which included having the client's arm behind his back and pushed up into his back while staff escorted the client to the Isolation Time-Out room. No incident reports have been completed for any of the reported incidences including Isolation Time-Out.

Therefore, it is the finding of this agency that the facility has neglected to provide services to assure the health, safety and welfare of the clients.

APPEAL NOTICE

You have the right to contest this summary suspension of your license by filing a petition for a contested case hearing with the Office of Administrative Hearings (OAH) within sixty (60) days of the mailing of this letter.

Please write the facility's Mental Health License (MHL) number at the top of your petition. For complete instructions on the filing of petitions, please contact OAH at (919) 431-3000.

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

North Carolina General Statute § 150B-23 provides that you must also serve a copy of the petition on all other parties, which includes the Department of Health and Human Services. The Department's representative for such actions is Ms. Lisa G. Corbett, General Counsel. This person may receive service of process by mail at the following address:

Ms. Lisa G. Corbett, General Counsel

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Department of Health and Human Services
Office of Legal Affairs
Adams Building
2001 Mail Service Center
Raleigh, NC 27699-2001

If you do not file a petition within the sixty (60) day period, you will lose your right to appeal this Summary Suspension. *Please note that each appealable action has a separate, distinct appeal process and the proper procedures must be completed for each appealable action*

In addition to your right to file a petition for a contested case hearing, N.C.G.S. § 150B-22 encourages the settlement of disputes through informal procedures. The Division of Health Service Regulation is available at the provider's request for discussion or consultation that might resolve this matter. To arrange for an informal meeting, you must contact DHSR at 919-397-6856. Please note that the use of informal procedures does not extend the 60 days allowed to file for a contested case hearing as explained above.

Should you have any questions regarding any aspect of this letter, please do not hesitate to contact us at the Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification Section, 2718 Mail Service Center, Raleigh, NC 27699-2718 or call Michiele Elliott, Eastern Branch Manager at 919-397-6856.

Sincerely,

Stephanie Gilliam, Chief
Mental Health Licensure & Certification Section

Cc: DHSRreports@dhhs.nc.gov, DMH/DD/SAS
Sarah Stroud, Director, Eastpointe LME/MCO
Jeanette Jordan-Huffam, Quality Management Director, Eastpointe LME/MCO
Leza Wainwright, Trillium Health Resources LME/MCO
Kim Keehn, Quality Management Director, Trillium Health Resources LME/MCO
Wayne Black, Director, NC Division of DSS
Lisa Cauley, DSS Deputy Director for Child Welfare Services
Velvet Nixon, Director, Robeson County DSS
Ncdma.dhsrnotice@lists.ncmail.net, Provider Enrollment DMA
Pam Pridgen, Administrative Assistant
File

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